

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELLY ANNE WALTERS,  
Petitioner,

v.

R. J. GARCIA,  
Respondent.

Case No. [21-cv-06231-WHO](#) (PR)


**ORDER OF DISMISSAL**

This action was filed as a habeas action, but a review of the petition showed that the claims had to be brought by way of a civil rights action under 42 U.S.C. § 1983. Walters was ordered to inform the Court by February 15, 2022 whether she wishes the Court to convert this federal habeas action to a federal civil rights action. The date has passed and there has been no response from Walters. Accordingly, this federal habeas action is DISMISSED under Federal Rule of Civil Procedure 41(b) for failure to respond to the Court's order and for failure to prosecute.

The Clerk shall enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

**Dated:** February 23, 2022

  
WILLIAM H. ORRICK  
United States District Judge